

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21 CR 13 RLW (SRW)
)	
BRENDON DARNELL THOMAS,)	
JOSEPH ROBERT HOLLIMAN,)	
DEDRICK DESHON JORDAN,)	
TERRY JAMES WILLIAMS,)	
CLIFFORD DWIGHT DAVIS, JR.,)	
MARIA D. FLORES-CERVANTES,)	
JACQUELINE RENEE HARRIS,)	
THOMAS WILLIAM FOGLE,)	
RICHARD LEROY CLARK,)	
SARAH NICOLE REYNOLDS,)	
JOSEPH MICHAEL SURAUD,)	
ALEXANDRA MARNI CHAMBERS,)	
DEIDRE DENISE MEDCALF,)	
DAVID MICHAEL NUELLE,)	
MATTHEW JOSEPH AUBIN and)	
KEVIN JOHN KARLL,)	
)	
Defendants.)	

SCHEDULING ORDER

All pretrial matters in this case have been referred to the undersigned United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b). This case was previously found to be a complex case under the relevant provisions of the Speedy Trial Act. (ECF No. 209). The case remains complex. On February 18, March 22, and April 21, 2021, the undersigned held attorneys-only status hearings.

A. DISCOVERY & BUDGET MATTERS

At the first status hearing, the undersigned requested the Government to file a detailed Rule 12(b)(4) Notice of Arguably Suppressible Evidence. The Government filed this Notice on February 19, 2021. (ECF No. 213).

John Lynch volunteered to serve as a lead CJA attorney and to submit a case budget to Clarke Devereaux, Circuit Budgeting Attorney.

B. PRETRIAL MOTIONS

The undersigned outlined a proposed schedule for addressing pretrial motions. Pretrial motions will be considered in three phases. The Court will first consider any purely legal motions (*e.g.*, attacks on the sufficiency of the indictment) which will not require an evidentiary hearing to resolve. Next, the Court will consider any challenges to the wiretaps and other electronic surveillance. The Court will then address any individual suppression motions and similar motions (*e.g.*, severance motions).

The schedule for the filing of motions is outlined below. The undersigned asked the attorneys to coordinate as much as possible to avoid filing duplicative motions. Counsel for the Defendants agreed to work, to the extent possible, on coordinating common motions.

With respect to the evidentiary hearings, the lawyers will be required to coordinate in advance of any such hearing and designate a lead attorney for the cross-examination of each Government witness. The non-lead attorneys will be given the opportunity to pose additional questions as may be necessary to resolve issues which were not addressed by the lead attorney. Any attorney who expects to present testimony or evidence at an evidentiary hearing must notify the undersigned in advance regarding the nature and length of the anticipated testimony.

C. OTHER CONSIDERATIONS & FINDINGS

The Court continues to find additional time is necessary for the defendants to obtain and review the discovery, investigate all pretrial matters, and prepare and file any pretrial motions. The Court finds the ends of justice served by continuing the pretrial deadlines outweigh the best interests of the public and the defendants in a speedy trial and is necessary to prevent a miscarriage of justice. This additional time shall be excluded from the defendants' speedy trial time, pursuant to 18 U.S.C. § 3161(h)(7)(A).

The undersigned is available at such other times as any party deems necessary to address any unanticipated issues or problems that may arise.

Accordingly,

IT IS HEREBY ORDERED that, any legal motions with respect to the sufficiency of the indictment, including any motions to dismiss and motions for a bill of particulars, must be filed by **May 21, 2021**, with responses due **June 4, 2021**. Any such motion must also include a memorandum of law setting forth the specific legal grounds supporting the motion. The Court will set a hearing on such legal motions, only if requested and necessary. Any motion with respect to the sufficiency of an indictment, including motions to dismiss and motions for a bill of particulars, shall set forth specific factual details to support the motion. Any motion with respect to the sufficiency of an indictment which is cast in conclusory or conjectural terms will not be heard or considered by the Court.

IT IS FURTHER ORDERED that, any motions directed at wiretap matters or other electronic surveillance shall be filed by **June 25, 2021**, with responses due by **July 9, 2021**. Any such motion must also include a memorandum of law setting forth the specific legal grounds supporting the motion.

IT IS FURTHER ORDERED that, any other motions to suppress evidence, statements, or any other matters, or which move to sever, shall be filed by **August 6, 2021**, with responses due by **August 20, 2021**. Any such motion must also include a memorandum of law setting forth the specific legal grounds supporting the motion.

IT IS FURTHER ORDERED that, an attorney-only status hearing will be held via Zoom on **August 11, 2021 at 2:00 p.m.**

IT IS FURTHER ORDERED that, **all evidentiary hearings will be scheduled the week of September 20, 2021.** Any Defendant who files a motion shall be required to attend their respective evidentiary hearings with counsel.

IT IS FURTHER ORDERED that if a defendant elects not to file any such legal motions, the attorney for that defendant shall file with the Court, no later than **August 6, 2021**, a memorandum attesting that the defendant does not wish to raise any pretrial motions, that counsel has personally discussed this matter with the defendant, and that the defendant agrees and concurs in the decision. No extension time of any of these deadlines will be granted except upon written motion, made before the expiration of the deadline, and upon exceptional circumstances. Failure to timely file a motion, or notice of a waiver of a motion, will be considered a waiver.

IT IS FURTHER ORDERED that the trial of this matter will be set following the conclusion of pretrial proceedings.

/s/ **Stephen R. Welby**
STEPHEN R. WELBY
United States Magistrate Judge

Dated this 21st day of April, 2021.